

No. 14-17-00098-CR

In the
Court of Appeals
For the
Fourteenth District of Texas
At Houston

FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
12/1/2017 4:48:30 PM
CHRISTOPHER A. PRINE
Clerk

—◆—
No. 2109329

In County Criminal Court at Law No. 6
Of Harris County, Texas

—◆—
MARC WAKEFIELD DUNHAM

Appellant

V.

THE STATE OF TEXAS

Appellee

—◆—
STATE'S SECOND MOTION FOR EXTENSION OF TIME TO FILE BRIEF

—◆—
TO THE HONORABLE COURT OF APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 2 & 10.5, moves for an extension of time in which to file its appellate brief and in its motion, would show the Court the following:

1. The State charged the appellant with the misdemeanor offense of Deceptive Business Practice and the jury found the appellant guilty (CR—8, 89). The trial court sentenced the appellant to 1 year in the Harris County Jail (CR—91-2). The appellant gave timely notice of appeal, and the trial court certified that he had the right to appeal (CR—94-96).
2. The appellant's brief was filed on September 29, 2017.

3. The State's appellate brief was due on December 1, 2017.
4. This is the State's second request for an extension.
5. The following facts are relied upon to show good cause for an extension of time to allow the State to file its brief:
 - a. The undersigned attorney was assigned this brief on November 2, 2017. Additionally, the State did not receive service of the appellant's brief until October 10, 2017 for unknown reasons.
 - b. The record in this case is over forty-two megabytes in length split over seven volumes and will take some time to process. The undersigned attorney is currently working through the record to address the appellant's complaints.
 - c. Upon assignment of this brief, the undersigned attorney was contacted by opposing counsel and was informed of his intent to file a request with this Court for leave to file an amended brief. Relying on this representation and due to not being aware of what additional issues may be raised or if any current issues raised would be amended, the undersigned attorney has not yet completed briefing in this case.
 - d. The undersigned attorney was involved in completing the following written appellate projects since the appellant filed his brief:

(1)	<i>Ryan Burgs v. State of Texas</i> 14-16-00985-CR Brief Filed October 5, 2017
(2)	<i>Gersain Molina v. State of Texas</i> 01-17-00075-CR Brief Filed October 13, 2017
(3)	<i>Ex parte Charles Bowman</i> 14-17-00736-CR Brief Filed October 20, 2017

(4)	<i>Louis West v. State of Texas</i> 14-17-00094-CR, 14-17-00095-CR Brief Filed October 30, 2017
(5)	<i>Eric Guerra v. State of Texas</i> 14-17-00202-CR, 14-17-00203-CR Brief filed November 6, 2017
(6)	<i>Jamall Johnson v. State of Texas</i> 14-17-00312-CR, 14-17-00313-CR Brief filed on November 22, 2017
(7)	<i>Jason Ramjattansingh v. State of Texas</i> PD-0972-17, 01-15-01089-CR PDR granted November 15, 2017 Brief filed on November 30, 2017
(8)	<i>Jeffrey Killebrew v. State of Texas</i> 01-17-00367-CR Brief Due on December 7, 2017

- e. The workload of this prosecutor is not out of the ordinary in the appellate division of the Harris County District Attorney's Office. The Harris County District Attorney's Office Appellate Division is experiencing a significant workload at present. Appellate prosecutors, including the undersigned attorney, are working as quickly as possible to complete as many briefs as possible while still addressing all the issues raised by appellants as thoroughly as justice requires. Because of the high workload per prosecutor, as well as the greater length and complexity of appeals being brought in this county, it often takes longer to process all of the assigned cases, and more cases require multiple extensions or a lengthy extension before the completion of the State's brief.

Consequently, the undersigned attorney has been unable to complete the State's reply brief in this case in the time permitted despite due diligence, and the requested extension of time is necessary to permit the undersigned attorney to adequately investigate, complete, and file the State's appellate brief for this cause. The State's motion is not for purposes of delay, but so that justice may be done.

WHEREFORE, the State prays that this Court will grant an extension of time for the undersigned attorney to complete and file the State's appellate brief in this case until December 22, 2017.

Respectfully submitted,

/s/ Katie Davis

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CERTIFICATE OF SERVICE

I certify that I have requested that efile.txcourts.gov electronically serve a copy
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Date: December 1, 2017